

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24881 of 2006

01-12-2006

Between:-

A. Suman Chakravarthy

Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Secretary, Panchayatraj Department,
Secretariat, Hyderabad and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 24881 of 2006

Oral order:

The writ petition is misconceived. The petitioner assails the Sealed Tender-cum-Open Auction notice dated 14-11-2006 issued by the second respondent for grant of leasehold rights for quarrying of sand *inter alia* in Joopudi reach of Ibrahimpatnam mandal, Krishna district. It would appear that pursuant to an auction held on 20-09-2002 the petitioner was granted lease in respect of the Joopudi reach, for a period one year from 28-10-2002 to 27-10-2003. On account of change of alignment and the boundaries, by the respondents, there was no sand available and the petitioner could not quarry the sand beyond one and half year from the date of commencement of lease. Thereafter waiting in expectation for alternative site to become available, eventually the petitioner represented for refund of the lease amount. There being no response, petitioner filed W.P.No. 20019 of 2003, which is stated to be pending.

While so, on 15-09-2006 the petitioner submitted a representation after noticing the availability of sand in the Joopudi reach, that he be given the Joopudi reach on lease on whatever terms the respondents consider appropriate. The petitioner's grievance is that without considering his representation dated 15-09-2006, the

second respondent has notified the reach for public auction.

As is apparent from the chronology of facts adverted to above, the petitioner's lease for the period 28-10-2002 to 27-10-2003, entered into pursuant to the auction notification on 20-09-2002 has become frustrated. The petitioner is pursuing his remedies thereagainst including for refund of the lease amounts, in W.P.No. 20019 of 2003. The petitioner has no legal right to demand extension of lease on account of the economic misadventures of 2002. There is no legal obligation of the respondents to grant him extension of lease. Existence of a legal right is the only legitimate foundation for issuance of a Mandamus.

There are no merits. The writ petition is dismissed at the stage of admission. No costs.

GODA RAGHURAM, J

Dated: 01-12-2006

Pvks/*